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Counsel for Defendant ALLEN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

TONY LOMBARDI, et al.,
Defendants.

No. CR 07-0006-SBA

~~PROPOSED~~
STIPULATION AND ORDER FOR CONTINUANCE AND
EXCLUSION OF TIME UNDER THE
SPEEDY TRIAL ACT, 18 U.S.C. §3161
ET SEQ.

Date: February 6, 2007

Time: 9:00 a.m.

Court: Hon. Sandra Brown Armstrong
U. S. District Court

This matter is currently on calendar for status on Tuesday, February 6, 2007, at 9:00 a.m. The parties jointly stipulate and request that the matter be continued one week to the new date of February 13, 2007, at 10:00 a.m., or as soon thereafter as the Court is available, for status, and further request that the time between February 6 and February 13, 2007, be excluded from calculations under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv) for the following reasons. (The parties are requesting 10:00 a.m., instead of 9:00 a.m., because government counsel can be present at 10:00 a.m. but would be unavailable at 9:00 a.m.) The defendants have received substantial amounts of discovery pursuant to a protective order. The defendants require additional time to review this discovery and conduct research and investigation into the pending charges.

For the foregoing reasons, the parties stipulate and agree that the ends of justice served by the brief continuance requested herein outweigh the best interests of the public and the defendant

1 in a speedy trial because the failure to grant such a continuance would unreasonably deny
2 defendants adequate time to prepare, taking into account the exercise of due diligence. The parties
3 therefore stipulate and agree that this period of time should be excluded under the Speedy Trial
4 Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

5
6 SO STIPULATED.

7 Dated: February 5, 2007

/S/

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HILARY A. FOX
Attorney for Defendant Allen

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10 SO STIPULATED.

11 Dated: February 5, 2007

/S/

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SETH P. CHAZIN
Attorney for Defendant Lombardi

13 SO STIPULATED.

14 Dated: February 5, 2007

/S/

15

DIANA LEIGH WEISS
Attorney for Defendant Minner

16
17 SO STIPULATED.

18 Dated: February 5, 2007

/S/

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KESLIE STEWART
Assistant United States Attorney

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21 SIGNATURE ATTESTATION

22 I hereby attest that I have on file all holograph signatures indicated by a “conformed”
23 signature (“/S/”) within this efiled document.
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ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the ends of justice served by granting of the requested continuance outweigh the best interests of the public and the defendants in a speedy trial, and that the failure to grant the requested continuance would deny defendants the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §3161(h)(8)(A) & (B)(iv).

Based on these findings, IT IS HEREBY ORDERED THAT the hearing that is currently scheduled for February 6, 2007, shall be continued to February 13, 2007, at 11:00 a.m. for status, and that the time from February 6 through February 13, 2007, shall be excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: 2-9-_____, 2007


SAUNDRA BROWN ARMSTRONG
United States District Court